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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

EPIC GAMES, INC.,
Plaintiff, Counter-defendant,
 v.
 APPLE INC.,
Defendant, Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**APPLE INC.'S ADMINISTRATIVE
 MOTION TO SEAL DEPOSITION
 TESTIMONY IN SUPPORT OF APPLE
 INC.'S POSITION IN JOINT LETTER
 BRIEF REGARDING THE CLAWBACK OF
 DOCUMENTS**

Hon. Thomas S. Hixson

Pursuant to Federal Rule of Civil Procedure 26(c), Defendant Apple Inc. (“Apple”) moves the Court to partially seal the deposition testimony excerpts cited in the Joint Letter Brief Regarding the Clawback of Documents, Dkt. 493, and its Notice of Supporting Documents regarding the same filed concurrently herewith. Apple respectfully submits that sealing is appropriate to protect the confidentiality of specific knowledge about the workings of an important business program.

The deposition testimony to be sealed is limited to one part of one line, describing the number of developers that have signed up for the Small Business Program. If public, Apple’s competitors could use that information to gain competitive advantage by giving them specific knowledge about the workings of an important business program. *See Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016), *cert. denied sub nom. FCA U.S. LLC v. Ctr. for Auto Safety*, 137 S. Ct. 38 (2016) (finding there was a compelling reason for sealing when records contained business information that could be used to harm a litigant’s competitive standing); *see also Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (acknowledging courts’ “broad latitude” to “prevent disclosure of materials for many types of information, including, *but not limited to*, . . . confidential . . . commercial information”).

Because this dispute does not implicate the merits of the case, the public will suffer no prejudice in its ability to follow the proceedings.

Apple therefore requests that the Court seal the following:

Document	Redacted Material
Deposition Testimony Excerpts in Support of Joint Discovery Letter Brief Regarding the Clawback of Documents	All excerpted deposition testimony, including the following: Cue Dep. at 133:13

Dated: April 27, 2021

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Ethan D. Dettmer

Ethan D. Dettmer

Attorneys for Defendant Apple Inc.